IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY,
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10961 of 2005

Between:

1 Andhra Kesari College of Education, Ongole, Prakasham District. rep.by its

Correspondent Sri J.Prasad.
2 St.Paul's College of Education, Giddalur, Prakasham District.
3 Madina Educational Society's SNBTM College of Education, Repalle, Guntur

District rep.by its Correspondent Sri Khader Sharif.

..... PETITIONERS

AND

1 State of Andhra Pradesh, rep.by its Principal Secretary, Education

Department, Secretariat Buildings, Hyderabad.
2 Government of Andhra Pradesh, Minority Welfare Dept., rep.by its

Prl.Secretary, Secretariat Buildings, Hyderabad.
3 The Convener, Ed.CET 2004-05, O/o. Commissioner of School Education,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ more in the nature of a writ of Mandamus declaring the press note issued by the Convener Ed.CET the 3rd respondent and the proceedings of the Director of School Education, A.P. Hyderabad dt.2-5-2005 in Rc.No.643/ N2-1/2005-03 as being arbitrary and illegal, contrary to the directions issued by this Hon'ble High Court dt.27-4-2005 in W.A. No.928/05 & Batch and consequently direct the respondents not to interfere with the process of admission being made by the petitioner institutions in terms of the above mentioned directions of this Hon'ble

High Court.

Counsel for the Petitioner:MR.CH.SAMSON BABU

Counsel for the Respondents: Mr.A.Satya Prasad, Sp. Government Pleader for Education

The Court made the following :

O R D E R :

The writ petitioners are the minority colleges for B.Ed courses. A Division Bench of this Court through its judgment dated 27-04-2005 in Writ Appeal No.928 of 2005 and batch passed the following order:

> "…. Therefore, we direct that the minority institutions shall be entitled to make admissions in accordance with the G.O., i.e., 85% from the minority candidates and 15% as Management quota from any community. However, if any, seats remain unfilled from 85% of the minority quota, they shall also be filled up by the Management of respective colleges from the Ed.CET list strictly in accordance with the merit after giving wide publicity to the methodology to be adopted for making the selection. After the selection is made, that shall not be published before furnishing a copy to the Convener of Ed.CET, who shall ensure that the selection has been made in accordance with the merit. It shall be open for him to bring to the notice of the Management to cancel the admission of a candidate, if it is not made in accordance with the merit and the view of the Convener in such a case shall be final."

In pursuance of the judgment of a Division Bench of this Court, the 3rd respondent issued a press note on 30-04-2005 issuing certain instructions to the minority colleges for giving the schedule of admissions. The Director of School Education also issued instructions through the letter dated 02-05-2005 for admission into B.Ed course in minority colleges of Education. The following are the instructions that are being questioned by the petitioners through this writ petition.

> "1. The admissions with concerned Minority Candidates in 85% minority quote shall be completed by 05-05-2005 and they should follow the schedule issued by Convener, Ed-CET-2004 for filling up unfilled seats.

2. Keep (100) applications at the DEO's office and also (100) applications at the O/o the District Collector as a measure of wide publicity by handing over the applications to the person identified by the District Educational Officer and District Collector. They should obtain a certificate to this effect from the District Educational Officer and District Collector's Office (in the proforma enclosed) that they have kept the applications by 3-00 PM on 08-05-2005. This original certificate should be enclosed to the merit list to be submitted to the Convener, Ed-CET-2004. In the absence of such certificate the list will not be approved the Convener, Ed-CET-2004.

3. After receiving the applications in the college and from the District Educational Officer, a consolidated merit list and selection list should be prepared and sent to the Convener, Ed-CET-2004 to ensure that the selection has been made in accordance with merit and publish the lists after approval of the Convener, Ed-CET-2004.

4. The merit list and selection list should be displayed in the College. O/o. the District Educational Officer and O/o District Collector after the approval of the Convener, Ed-CET-2004."

As per instruction No.2, the minority colleges were directed to keep (100) applications at the DEO's Office and also another (100) applications at the office of the District Collector as a measure of wide publicity.

Learned counsel for the petitioners submitted that though the petitioners have no objection to keep the applications at DEO'S office, the instruction of the Director of the School Education asking the petitioners and other minority institutions to keep 100 applications at the office of the District Collector is unwarranted and it is beyond the instructions given from time to time.

In response to the submissions made by the learned counsel for the petitioners, the learned Special Government Pleader submitted that the respondents have no objection if there is a direction to the minority colleges of education to keep 200 applications at the DEO's office to enable the interested candidates to collect those applications and to submit those applications to the colleges of their choice.

In the light of the submission made by the learned Special Government Pleader, the instruction No.2 of the Director of School Education dated 02-05-2005 is required to be modified as under:

"Keep (200) applications at the DEO's office" instead of keeping (100)

applications at the DEO's office and also "(100) applications at the office of the District Collector".

The writ petition is accordingly disposed of with the above direction. There shall not be any interference regarding the schedule fixed by the respondents for the admissions into B.Ed courses. The respondents may also take into consideration and take necessary steps to see that the schedule of admissions shall not result in shortfall of attendance of the students during the academic year. No costs.

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03-05-2005

Mjl/*

To,

1 The Principal Secretary, Government of Andhra Pradesh, Education

Department, Secretariat Buildings, Hyderabad.
2 The Principal Secretary, Government of Andhra Pradesh, Minority Welfare

Dept., Secretariat Buildings, Hyderabad.
3 The Convener, Ed.CET 2004-05, O/o. Commissioner of School Education,

Hyderabad.

4. 2 CCs to G.P. for Education, High Court buildings, Hyderabad.

5. 2 CD copies.